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Texts of Statements on the End of Westmoreland's Libel Suit Against CBS

Following are the texts of a joint statement by Gen. William C. Westmoreland and CBS, a CBS statement after General Westmoreland announced that he was ending his libel suit and a statement by General Westmoreland that were made public yesterday. The joint statement, dated Feb. 17, was signed by General Westmoreland; George Vradenburg 3d, the CBS general counsel; Mike Wallace, a CBS correspondent, and George Crile 3d, a CBS producer.

Joint Statement

General William C. Westmoreland and CBS today jointly announced the discontinuance of the Westmoreland suit against CBS, Mike Wallace, George Crile and Sam Adams.

The suit pertained to a CBS News broadcast "The Uncounted Enemy: A Vietnam Deception," broadcast on January 23, 1982.

The matters treated in that broadcast — and the broadcast itself — have been extensively examined over the past two and a half years both in discovery and then through documents and witnesses presented by both sides in Federal Court.

Historians will long consider this and other matters related to the war in Vietnam. Both parties trust their actions have broadened the public record on this matter.

Presenting Positions

Now both General Westmoreland and CBS believe that their respective positions have been effectively placed before the public for its consideration and that continuing the legal process at this stage would serve no further purpose.

CBS respects General Westmoreland's long and faithful service to his country and never intended to assert, and does not believe, that General Westmoreland was unpatriotic or disloyal in performing his duties as he saw them.

General Westmoreland respects the long and distinguished journalistic tradition of CBS and the rights of journalists to examine the complex issues of Vietnam and to present perspectives contrary to his own.

CBS Statement

First of all, CBS would like to express its appreciation to the jury for its unstinting attention over the past several months, and to Judge Pierre Leval, for the authority and impartiality that characterized his handling

of this case.

We also want to express our admiration and respect for the many current and former military and civilian Government officials who came forward at great personal and professional cost to support the broadcast.

We regret that General Westmoreland and his supporters felt compelled to bring the suit. We feel now, as we did three years ago, that this issue should never have been brought to the court.

The complex and controversial issues of the Vietnam War are more appropriate to ongoing public inquiry and debate than to judicial determination.

Stands Behind Broadcast

Three years ago, CBS News broadcast "The Uncounted Enemy: A Vietnam Deception," which reported charges that General Westmoreland and his command misled the public, the Congress and the President, about enemy troop strength to advance the political argument that the war was being won.

Since then, the CBS News documentary has been subjected to perhaps the most intensive scrutiny ever brought to bear on a journalistic effort. CBS News conducted its own in-

ternal examination of the broadcast two and a half years ago. It concluded that the broadcast was accurate and that minor procedural violations of CBS News standards in no way compromised the editorial integrity of the broadcast.

Nothing has surfaced in the discovery and trial process now concluded that in any way diminishes our conviction that the broadcast was fair and accurate, and that it was a valuable contribution to the ongoing study of the Vietnam era.

We continue to stand by the broadcast and are pleased that General Westmoreland has withdrawn his legal challenge to it.

With this legal matter concluded, Mike Wallace will return to "60 Minutes." George Crile will rejoin the documentary unit as a producer.

We have enjoyed our relationship with defense counsel David Boies and his colleagues. One could not ask for better representation.

We also appreciate the contributions of Sam Adams to the broadcast and its defense.

In conclusion, this experience has further strengthened the CBS News commitment to vigorous, fair and impartial journalism. It is a fundamental principle of CBS that the journalis-

tic process not be limited or intimidated by those seeking to constrain free inquiry and debate and the dissemination of information.

We believe this experience has advanced that principle.

Westmoreland Statement

From the joint statement issued by General Westmoreland and CBS, I quote, "CBS respects General Westmoreland's long and faithful service to his country and never intended to assert, and does not believe, that General Westmoreland was unpatriotic or disloyal in performing his duties as he saw them."

If that statement had been made after the CBS program was aired, it would have satisfied me.

After my press conference in Washington three days after the broadcast, it would have satisfied me.

After the publication of the TV Guide article, it would have satisfied me.

If made after the publication of the book "A Matter of Honor," it would have satisfied me.

If made during the first days in Federal Court, it would have ended the episode.

Continued

The court action has certainly exposed some of the problems and complexities of producing intelligence on an elusive enemy.

The court action has certainly exposed some of the problems and complexities of producing a television documentary.

Indeed, the court action has emphasized:

1. The enemy's Tet offensive was a severe defeat.

2. The scope of the enemy's offensive did exceed expectation.

3. The size of the enemy troops committed was in line with the estimates of my intelligence chief, General Davidson.

4. Our American troops did an impressive job in fighting the enemy forces in South Vietnam, and did not lose a battle of significance.

I hope and trust that the conclusion of my action against CBS will be a benchmark in putting our Vietnam experience behind us and allow historians and scholars to assess the facts of that war in accurate and nonsensational terms.

I brought this suit against CBS to defend my honor and to affirm constitutional principles, which include the rights provided by the First Amendment.